

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re CHARLES R. COOKS, AT7962,
Plaintiff.

Case No. [20-cv-04352-CRB](#) (PR)

ORDER OF DISMISSAL

(ECF Nos. 3 & 4)

Plaintiff, a state prisoner incarcerated at California State Prison, Solano, has filed a pro se action seeking to appeal/vacate the dismissal of two civil rights actions he filed in state superior court. The first case, Amador County Superior Court case number 17-cv-1004, he filed against various Los Angeles Police Department employees and was dismissed by the Amador County Superior Court on December 7, 2018, and the second case, Merced County Superior Court case number 17-cv-03326, he filed against various Los Angeles County Superior Court employees and was dismissed by the Merced County Superior Court on March 3, 2018.

Plaintiff's action must be DISMISSED because it is well established that lower federal courts are without subject matter jurisdiction to review state court decisions. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 486-87 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 416 (1923); see also Kougasian v. TMSL, Inc., 359 F.3d 1136, 1139 (9th Cir. 2004) (Rooker-Feldman doctrine bars federal district courts "from exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court judgment."). It matters not that the state court judgment at issue was not made by the highest state court, see Worldwide Church of God v. McNair, 805 F.2d 888, 893 n.3 (9th Cir. 1986), or that federal constitutional issues are at stake, see Branson v. Nott, 62 F.3d 287, 291 (9th Cir. 1995); Mullins v. Oregon, 57 F.3d 789, 792 (9th Cir. 1995).

1 But based solely on his affidavit of poverty, plaintiff's motion (ECF No. 4) to proceed in
2 forma pauperis is GRANTED.

3 The clerk is instructed to terminate all other pending motions (see ECF No. 3) as moot and
4 to close the case.

5 **IT IS SO ORDERED.**

6 Dated: September 3, 2020

7 
8 CHARLES R. BREYER
United States District Judge

United States District Court
Northern District of California